



9-23-05

1653

SEP 22 2005

Attorney Docket No. 9013.42

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Proud et al.  
Application No.: 10/019,198  
International Filing Date: June 21, 2000  
For: *Use of Peptides*

Confirmation No.: 1487  
Examiner Liu, S.  
Group Art Unit 1653

September 22, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

This is responsive to the August 25, 2005 Office Action issued regarding the above-referenced patent application.

**RESTRICTION OF CLAIMS**

The Office Action states that the application contains the following groups of inventions.

Group I, claims 11-15 and 16-18, drawn to a method of inducing programmed cell death, comprising administering to a subject a peptide.

Group II, claims 19-22, drawn to a pharmaceutical composition comprising the peptide..

Group III, claim 15, drawn to a method inducing programmed cell death, comprising administering to a subject a polynucleotide encoding the peptide.

Applicants provisionally elect Group I (claims 11-15 and 16-18) with traverse. The traversal is on the basis that this application is a 35 U.S.C. § 371 national phase application of PCT application serial number PCT/GB00/02414 and as such is entitled to an evaluation of unity of invention pursuant to PCT Rules 13.1 and 13.2. These rules state, respectively, that the application shall "relate to one invention only or to a group of inventions so linked as to form a single general inventive concept" and that the requirement for unity of invention is fulfilled "only when there is a technical relationship

among those inventions involving one or more of the same or corresponding technical features," which are those features "that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

Upon the application of the appropriate rules for evaluating the claims pending in this application, it can be reasonably concluded that claims 11-22 do form a single general inventive concept, on the basis that all of the claims recite the peptide of claim 1 and describe compositions and methods of use of this peptide as well as methods of use of a polynucleotide encoding this peptide. Thus, the special technical feature that unites all of the pending claims is this peptide. Therefore, the claims meet the requirement for unity of invention as set forth in accordance with PCT Rules 13.1 and 13.2 and they should all be searched and examined together. Applicants respectfully request that these claims be re-evaluated according to the proper standard for a 35 U.S.C. § 371 national phase application and that the present groupings be withdrawn so that all of the pending claims of this application can be searched and examined together.

The Examiner is encouraged to contact the undersigned directly if such contact will expedite the search and examination of the pending claims and their allowance to issue.

No fee is believed due with this response. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

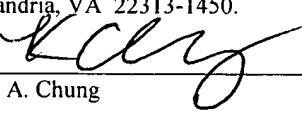
Respectfully submitted,



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